



Texas State Soil & Water Conservation Board

APRIL 1, 2006

Supplemental Guidance – Pollution Prevention Plans

For Dry-Litter Poultry Operations Applying For General Permit Coverage

BACKGROUND

Historically the federal Concentrated Animal Feeding Operation (CAFO) regulations under the Clean Water Act, administered by the U.S. Environmental Protection Agency (EPA), have not included dry-litter poultry operations. Dry-litter operations were considered “nonpoint” sources, and were therefore not regulated through permits. In 2001, the Texas Legislature passed Senate Bill 1339 requiring all poultry operations that were not already regulated under a permit, to get a Water Quality Management Plan (WQMP) certified by the Texas State Soil and Water Conservation Board (TSSWCB). In 2003, the EPA revised the Federal CAFO Rules to define dry-litter poultry operations that confine 125,000 or more broilers or pullets, 82,000 or more layers or breeders, or 55,000 turkeys for 45-days out of a year as CAFOs. Since the EPA has delegated the administration of the federal CAFO regulations to the Texas Commission on Environmental Quality (TCEQ), the rules in Texas were revised to be consistent with the Federal CAFO regulations. The Texas CAFO Rules also designate animal feeding operations as CAFOs in certain counties at lower head count numbers than in the rest of the State. These rules define dry-litter poultry operations in Erath, Bosque, Hamilton, Comanche, Johnson, Hopkins, Wood, or Rains counties as CAFOs when 37,500 or more broilers or pullets, 25,000 or more layers or breeders, or 16,500 turkeys are confined for 45-days out of a year. Because more than 1,300 dry-litter poultry operations have already obtained certified-WQMPs, the TSSWCB has worked with the TCEQ to incorporate the WQMP into the permitting process for producers who wish to use their WQMP as a means for meeting the technical requirements of TCEQ’s General Permit for CAFOs.

GETTING PERMITTED

Before engaging in this process, a producer should determine whether or not permit coverage is necessary. If the information provided in the previous section is not sufficient for making a determination, please contact the TCEQ Land Application Team at 512/239-4710, or write to TCEQ, Land Application Team (MC-148), P. O. Box 13088, Austin, TX 78711-3088. The process for

getting the general permit for existing operations involves submitting a Notice of Intent (NOI) to the TCEQ. The permitting process for new operations has some additional steps which are discussed in more detail in the general permit. However, if a producer wishes to “use” the WQMP to meet the technical requirements of the general permit, the producer must have a TSSWCB-certified WQMP prior to submitting the NOI. You will be asked to make a statement on the NOI that you meet the Pollution Prevention Plan (PPP) requirements of the general permit.

GENERAL PERMIT – POLLUTION PREVENTION PLAN

“Pollution Prevention Plan (PPP)” is the term used in to describe the collection of records and technical documents the general permit requires to be maintained on site. A poultry producer’s Water Quality Management Plan (WQMP) and the additional supplemental information contain most of the technical components required by the Concentrated Animal Feeding Operation (CAFO) General Permit. However, certain permit requirements are not included in the WQMP although the permittee is responsible for ensuring those requirements are met. The items listed below are those technical documents or reporting activities that are required by the general permit but are not a component of Water Quality Management Plans certified by the Texas State Soil and Water Conservation Board. In some cases, provisions already required by Water Quality Management Plans may need to be done differently under the general permit. By implementing the additional supplemental information or changes to existing practices, a poultry producer can meet the Pollution

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Prevention Plan (PPP) requirements using the Water Quality Management Plan (WQMP).

Annual Soil Samples

For land application fields owned, operated, controlled, rented, or leased by the poultry CAFO, the General Permit requires a 0-2" sample, a 2-6" sample, and a 6-24" sample annually from each field where poultry litter is surface applied and not incorporated. If litter is incorporated (i.e.: disked-in), a 0-6" sample and 6-24" sample annually from each application field is all that is needed. Under the general permit, the samples must be collected within the same 45-day window from one year to the next. Annual samples should be composed of 10-15 sub-samples taken randomly throughout each application field and mixed thoroughly to create each composite sample. Each composite sample must be submitted to and analyzed by an approved soil-testing laboratory using the Mehlich III method for phosphorus. The results will be used to determine litter application rates for the nutrient management plan. Refer to TCEQ publication RG-408 Soil Sampling for Nutrient Utilization Plans for further guidance on soil sampling procedures, which is included in your WQMP.

Annual Litter Samples

Under the guidelines of a WQMP, it is recommended that litter samples be collected prior to any land application. This recommendation is to ensure that accurate land application rates are used. The general permit requires that the operator collect litter samples annually. It is still advisable to collect samples of litter material prior to any land application, but producers must be sure to meet the annual litter sampling requirements of the general permit, regardless of whether or not litter application takes place that year. Results must be given to recipients of litter if utilized off-farm.

Pollutant Sources

The CAFO permittee/producer must maintain a list of any potential pollutant sources, in addition to those addressed in the WQMP, with pollutant descriptions and measures for preventing contamination of surface or groundwater by those pollutants. Such documentation must be kept in the record keeping section of the WQMP and must be provided to TCEQ within 5 days of written request. Additional potential pollutants include, but are not limited to, fuel storage

tanks, pesticides and storage areas, lubricants, and dust.

Discharge Monitoring and Analysis

The CAFO permittee/producer is responsible for taking samples and analyzing all discharges to surface water in the state from land management units (LMUs), i.e.: litter application fields. Refer to Part III.A.5(c) and (d) of the general permit if this circumstance occurs. However, if the permittee is following the buffer and application rate requirements of the WQMP, discharges to water of the state from the LMU should not occur.

Spill Prevention and Recovery

The CAFO permittee/producer is responsible for taking appropriate measures to prevent spills and responsible for cleaning up spills of any toxic pollutant. The CAFO permittee/producer are also responsible for documenting procedures for implementing those measures in accordance with Part III.A.16(a) of the general permit.

Permittee Site Inspections

The CAFO permittee/producer must inspect the facilities on a regular basis and complete a report containing findings of the inspections. Mortality management systems, litter application equipment, chemical storage and disposal sites, should be inspected by the permittee at least monthly for proper maintenance and operation. Records of such inspections should be kept to document dates, conditions, and needed maintenance or repairs. A complete site inspection should be conducted by the permittee each year including (1) identification of potential pollutant sources that exist onsite, (2) inspection of all controls, practices, and operations outlined in the WQMP to reduce potential for pollutants to be transported off-site, and (3) updating the WQMP to reflect current conditions. A report documenting the findings of the inspections must be developed each year.

USGS Topographic Map

The Notice of Intent (NOI) for the CAFO General Permit requires that the CAFO permittee/producer provide an original USGS topographic map showing

at least 1 mile in all directions of the site boundaries. The site boundaries must be clearly delineated and labeled as specified in the general permit. The map titled "Topography Map" within a Water Quality Management Plan is usually generated through Customer Service Toolkit, a collection of software tools for USDA field employees who work with landowners to generate conservation plans. This software package utilizes original electronic USGS topographic data to generate the topographic map. If the topographic map within your water quality management plan does not show at least 1 mile in all directions of the site boundaries, you should contact the soil and water conservation district listed on the upper left hand corner of the first page of the water quality management plan for suitable topographic map.

Water Wells

The CAFO General Permit requires all water wells be buffered and clearly identified on maps within the WQMP. A licensed water-well driller must perform the construction of new water-wells. Documentation of the construction should be maintained within the records section of the WQMP. All abandoned and unusable wells within buffered areas must be plugged in accordance with Texas Administrative Code, Title 16, Chapter 76. Documentation should be maintained by the CAFO permittee/producer describing how and when the wells were plugged.

Employee Training

The CAFO permittee/producer, usually the owner of the poultry facility, is responsible for ensuring all workers at the facility are trained adequately to maintain compliance with all requirements of the General Permit. Training should include information pertinent to the proper operation and maintenance of the facility such as land application of manure/litter, mortality management, good housekeeping, material management practices, recordkeeping requirements, and pollutant spill response and clean up. Documentation of all employee training, including dates when training occurred, should be maintained in the records section of the WQMP.

Air Quality Authorization

All poultry CAFOs are required to operate under an Air Quality Authorization. In accordance with Texas Administrative Code, Title 30, Chapter 106, Rule

§106.161(7), all housed poultry operations are authorized by rule when wood shavings or similar material is used as bedding in litter (Effective September 4, 2000).

Annual Report

The CAFO permittee/producer must submit an annual report to TCEQ by February 15 of each year for the reporting period of January 1 to December 31 of the previous year. The report must be on the form provided by TCEQ and must include the following:

- Total number and type of birds placed on farm
- Total litter generated during the last 12 months by the CAFO facility
- Total litter land applied to each land management unit (LMU) during the last 12 months on-site at the CAFO facility
- Total litter transferred to other persons from the CAFO facility during the last 12 months
- Total number of acres available for land application covered in the WQMP (shown on Table 3 of the Waste Utilization & Nutrient Management component of the WQMP) and total number of those acres used in the past 12 months for land application
- Summary of discharges of litter to water of the state during the last 12 months including dates, times, and approximate volume
- A statement that the Nutrient Management Plan (NMP) was developed and certified by a certified nutrient management specialist (located immediately behind the Waste Utilization & Nutrient Management component of the WQMP)
- Groundwater monitoring results (not required by the general permit)
- Annual soil analysis of each composite sample collected from the LMUs along with reporting forms required by TCEQ
- Any other relevant information deemed necessary by TCEQ

Record Keeping

The CAFO permittee/producer must keep records for at least 5 years from the date the record was created. TCEQ may request records of a permitted facility at any time and the producer must provide those records to TCEQ within 5 days of receiving written notice to provide those records. Records which must be kept include:

- Soil sampling locations and analyses, updated annually; keeping copies of the TCEQ CAFO Soil Monitoring Reports (Form No. TCEQ-20170) that are submitted each year will satisfy this requirement
- Annual litter analyses, updated at time of litter clean-out;
- A log of amounts of all litter/cake and manure removed from the facility showing dates of removal, name and address of recipient, and copy of litter analysis given to recipient
- A log of amounts of all litter/cake and manure utilized on-farm showing dates, locations, acres, and weather conditions during land application and 24 hours before and after land application
- Actual amount of hay harvested annually from each application field (or other crop if applicable)
- A list of potential pollutant sources and significant discharges of those pollutants that have significant potential to reach water in the state
- Copies of all notifications to TCEQ
- Documentation of spill prevention and recovery procedures as described above
- Documentation of inspections as described above
- Records for water well construction and plugging as described above
- Records of employee training as described above
- Copy of annual report

CHANGES TO WQMP

Anytime a significant deviation from planned activities takes place, it is important for producers to seek technical assistance and revise the WQMP to reflect the changes. In a case where a TSSWCB-certified WQMP is being used to meet the technical requirements of the general permit, it is extremely important to revise the WQMP and have it re-certified by the TSSWCB. The CAFO permittee/producer must have the WQMP revised and receive plan approval from TSSWCB and notify TCEQ:

- Before any change in the number or configuration of land management units (LMUs, for dry poultry operations referred to as litter application fields)
- Before any increase in maximum number of animals
- After any new construction or modification of control facilities
- Before any change which has a significant effect on the potential for the discharge of pollutants to surface water in the state
- If the WQMP is not effective in achieving the general objectives of controlling pollutants in discharges from the CAFO facility
- Within 90 days following written notification from TCEQ or TSSWCB that the WQMP does not meet one or more of the minimum requirements of the permit

NOTE:

Changes to certain aspects of your WQMP and overall operation, such as the addition of land application fields or an increase in the number of birds confined, requires that a Notice of Change (NOC) or a new Notice of Intent (NOI) be submitted to TCEQ. Please contact the TCEQ Land Application Team at (512) 239-4710, or write to TCEQ, Land Application Team (MC-148), P. O. Box 13088, Austin, TX 78711-3088 for specific information on those situations.

DOCUMENTATION OF SOIL SAMPLING AND ANALYSIS

*(Place all copies of TCEQ CAFO Soil Monitoring Reports [TCEQ Form No. 20170]
and associated laboratory analyses behind this page)*

DOCUMENTATION OF LITTER ANALYSIS

[illegible]

(Place all copies of laboratory analyses for litter samples behind this page)

DOCUMENTATION OF LITTER TRANSFER TO OTHER PERSONS

[illegible]

DOCUMENTATION OF LITTER APPLICATION TO LAND MANAGEMENT UNITS

[illegible]

DOCUMENTATION OF LITTER APPLICATION TO LAND MANAGEMENT UNITS

[illegible]

DOCUMENTATION OF ONSITE HARVESTING

| Date of Harvesting | Field Number | Size of Field (acres) | Crop Harvested | Amount of Harvest (in tons) |
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DOCUMENTATION OF ONSITE POTENTIAL POLLUTANTS

Potential Pollutant: _____

Description: _____

Measures for Preventing Contamination of Surface and Groundwater: _____

Potential Pollutant: _____

Description: _____

Measures for Preventing Contamination of Surface and Groundwater: _____

Potential Pollutant: _____

Description: _____

Measures for Preventing Contamination of Surface and Groundwater: _____

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Measures for Preventing Contamination of Surface and Groundwater: _____

Potential Pollutant: _____

Description: _____

Measures for Preventing Contamination of Surface and Groundwater: _____

DISCHARGE NOTIFICATION

Date of discharge: _____ Pollutant discharged: _____

Description of discharge: _____

Description of remedial actions taken: _____

Did pollutant reach surface water? _____

Was TCEQ notified? _____ Date/Time of notification: _____

Were samples of surface waters taken? _____

Laboratory name: _____ Date sent to laboratory: _____

Laboratory tracking number: _____

Date of discharge: _____ Pollutant discharged: _____

Description of discharge: _____

Description of remedial actions taken: _____

Did pollutant reach surface water? _____

Was TCEQ notified? _____ Date/Time of notification: _____

Were samples of surface waters taken? _____

Laboratory name: _____ Date sent to laboratory: _____

Laboratory tracking number: _____

(Place corresponding laboratory analyses for collected discharge samples behind this page)

Date of discharge: _____ Pollutant discharged: _____

Description of discharge: _____

Description of remedial actions taken: _____

Did pollutant reach surface water? _____

Was TCEQ notified? _____ Date/Time of notification: _____

Were samples of surface waters taken? _____

Laboratory name: _____ Date sent to laboratory: _____

Laboratory tracking number: _____

Date of discharge: _____ Pollutant discharged: _____

Description of discharge: _____

Description of remedial actions taken: _____

Did pollutant reach surface water? _____

Was TCEQ notified? _____ Date/Time of notification: _____

Were samples of surface waters taken? _____

Laboratory name: _____ Date sent to laboratory: _____

Laboratory tracking number: _____

(Place corresponding laboratory analyses for collected discharge samples behind this page)

**CORRESPONDENCE WITH THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY
(TCEQ)**

AND THE

**TEXAS STATE SOIL & WATER
CONSERVATION BOARD
(TSSWCB)**

(Place copies of all correspondence with the above mentioned agencies behind this page)

SPILL PREVENTION AND RECOVERY PROCEDURES

| Date of Spill | Material | Quantity Spilled | Reason for Spill | Cleanup Actions |
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Emergency Response Number: _____

Local Emergency/Hazardous Materials Entity: _____

Phone Number: _____

Equipment available onsite for spill containment:

- ☐ Front-end loader ☐ Back-hoe ☐ Bulldozer ☐ Paddle scraper
☐ Tractor ☐ Box blade ☐ Truck ☐ Maintainer
☐ Absorbent material ☐ Skid loader
☐ Other _____

DOCUMENTATION OF INSPECTIONS

| Date of Inspection | Inspection Conducted By: | Type of Inspection |
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DOCUMENTATION OF WATER WELL CONSTRUCTION OR PLUGGING

| Construction or Plugging? | Field Number | Date of Activity | Purpose for Activity | Name and License Information of Contractor |
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DOCUMENTATION OF EMPLOYEE TRAINING

| Date of Training | Type of Training | Training Conducted By | Names of Employees Trained |
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ANNUAL REPORTS TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ)

*(Place all copies of
TCEQ CAFO Annual Reports [TCEQ Form No. 20168]
behind this page)*